

1 DECLARATION OF MAILING

2 I declare under penalty of perjury under
3 the laws of the state of Washington that
4 I mailed or caused delivery of a true
5 copy of this document to all parties.

6 DATED this 1st day of August, 1994,
7 at Olympia, WA.

8 Signed: Nancy Haley

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BEFORE THE FOREST PRACTICES APPEALS BOARD
STATE OF WASHINGTON

RESOURCE MANAGEMENT GROUP,)

Petitioner,)

v.)

STATE DEPARTMENT OF NATURAL
RESOURCES, a governmental
agency of the State of
Washington; & VICTOR IWERSEN
and PAULINE E. DEHAAN,)

Respondents.)

NO. 94-21

MOTION TO DISMISS,
STIPULATION, AND
ORDER

1. MOTION TO DISMISS

The parties in the above-captioned appeal, Resource Management Group, represented by Martin A. Keeley; Pauline Dehaan, pro se; Victor Iwersen, pro se and the Washington State Department of Natural Resources ("DNR") represented by Attorney General Christine O. Gregoire and Assistant Attorney General Cheryl A. Nielson, move the Forest Practices Appeals Board ("FPAB") for an Order which will


(a) reclassify and approve forest practices notification NO - 1918764 as a Class III forest practice and

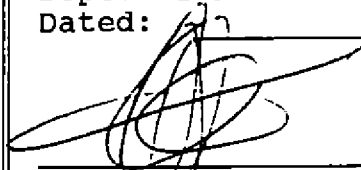
(b) dismiss this action.


ORIGINAL


1 This motion is based upon the stipulation and exhibits
2 contained herein.

3
4 CHRISTINE O. GREGOIRE
Attorney General

5 
6 CHERYL A. NIELSON
Assistant Attorney General
7 WSBA No. 20163
Attorneys for Respondent
8 Dept. of Natural Resources
Dated: 11/29/94

9
10 
11 MARTIN A. KEELEY
For Appellant Resource Management Group
12 Dated: 11-03-94

13
14 
15 VICTOR IWERSEN
Respondent
16 Dated: 11-4-94

17 
18 PAULINE E. DEHAAN
Respondent
19 Dated: 11-06-94

20 **II. STIPULATION**

21 1. On June 16, 1994 DNR approved forest practices
22 notification NO - 1918764 as a Class II forest practice.

23 2. DNR's approval of NO - 1918764 as a Class II forest
24 practice was appealed to the Forest Practices Appeals Board
25 ("FPAB") on July 15, 1994 by the Resource Management Group. The
26 appeal is pending before the FPAB as FPAB 94-21.

1 3. The forest practice approved under NO - 1918764 was
2 described by applicants Pauline Dehaan and Victor Iwersen as an
3 even-aged harvest on 9.85 acres, in which applicants would take
4 approximately 75 percent of the volume of timber -- an estimated
5 230 trees.

6 4. The harvest area is in Whatcom county, on Point Roberts,
7 which the DNR has designated an Area Likely to Convert (ALTC)
8 pursuant to WAC 222-16-060.

9 5. Applicants Pauline Dehaan and Victor Iwersen indicated
10 on their forest practices application, subsequently approved by
11 DNR as forest practices notification NO - 1918764, that they do
12 not intend to clear, improve or develop the land within three
13 years. (NO-1918764 is attached as Exhibit 1.)

14 6. NO - 1918764 was misclassified by DNR as a Class II.
15 The proposed harvest area falls within an ALTC and therefore the
16 application should have been classified as a Class IV-General.

17 7. Applicants Iwersen and Dehaan have signed a statement of
18 intent not to convert and have written a forest management plan
19 acceptable to DNR (both attached as Exhibit 2).

20 8. The submission of the statement of intent not to convert
21 and the forest management plan referred to in paragraph (7) meets
22 the requirements of WAC 222-16-060(5) and therefore the harvest
23 area proposed in the original application, subsequently approved
24 by DNR as NO - 1918764, should be removed from the ALTC designated
25 by DNR for the Point Roberts area.
26

1 9. As the result of the removal of the harvest area from
2 the ALTC, the forest practices application submitted by Victor
3 Iwersen and Pauline Dehaan and subsequently approved as NO -
4 1918764 should be taken out of the Class IV-General classification
5 and approved as a Class III forest practice.

6 10. Upon approval by the FPAB of NO - 1918764 as a Class III
7 forest practice, the appeal of NO - 1918764 should be dismissed
8 with prejudice.

9
10 CHRISTINE O. GREGOIRE
Attorney General

11 Cheryl A. Nielson
12 CHERYL A. NIELSON
Assistant Attorney General
13 WSBA No. 20163
Attorneys for Respondent
14 Dept. of Natural Resources
Dated: 11/27/94

15
16 Martin A. Keeley
17 MARTIN A. KEELEY
For Appellant Resource Management Group
18 Dated: 11/23/94

19
20 Victor Iwersen
21 VICTOR IWERSEN
Respondent
22 Dated: 11-4-94

23 Pauline E. Dehaan
24 PAULINE E. DEHAAN
Respondent
25 Dated: 11-26-94
26

DONE this 28th day of November, 1994

FOREST PRACTICES APPEALS BOARD

William A. Harrison

THE HONORABLE WILLIAM A. HARRISON
Administrative Appeals Judge

FOREST PRACTICES APPEALS BOARD

Norman L. Winn

NORMAN L. WINN, Chair

Martin R. Kaatz

DR. MARTIN R. KAATZ, Member

Robert E. Quoidbach

ROBERT E. QUOIDBACH, Member

Presented by:

CHRISTINE O. GREGOIRE
Attorney General

Cheryl A. Nielson

CHERYL A. NIELSON
Assistant Attorney General
WSBA No. 20163
Attorneys for Respondent
Dept. of Natural Resources

APPROVED, NOTICE OF
PRESENTMENT WAIVED BY:

Martin A. Keeley
For Appellant - Resource Management Group

Victor Iwersen

VICTOR IWERSEN
Respondent

Pauline E. Dehaan

PAULINE E. DEHAAN
Respondent

MOTION TO DISMISS, STIPULATION,
AND ORDER - Page 6

ORIGINAL

ATTORNEY GENERAL OF WASHINGTON
905 Plum Street, Building 3
PO Box 40100
Olympia, WA 98504-0100
(206) 753-6200

EXHIBIT

1.



**FOREST PRACTICES
APPLICATION / NOTIFICATION**

I. GENERAL INFORMATION SECTION

FPA NUMBER
001918764

RMS Payment ID#
V-68827

REFER TO THE INSTRUCTIONS TO ASSIST IN THE COMPLETION OF THIS FORM

NO SOILS

TYPE OR PRINT IN PERMANENT INK **CA**

1 FULL LEGAL NAME AND / OR COMPANY / DIVISION NAME OF OPERATOR SAME AS LANDOWNER		2 FULL LEGAL NAME AND / OR COMPANY / DIVISION NAME OF LANDOWNER VICTOR TWERSON AND PAULINE E DENHAM P.O. BOX 165		3 FULL LEGAL NAME AND / OR COMPANY / DIVISION NAME OF TIMBER OWNER SAME AS LANDOWNER	
BUSINESS ADDRESS		BUSINESS ADDRESS		BUSINESS ADDRESS	
CITY STATE ZIP		CITY STATE ZIP		CITY STATE ZIP	
PHONE ()		PHONE (206) 945-2578		PHONE ()	
Unified Business Identifier (or SSN #) UBI : SSN ()		Unified Business Identifier (or SSN #) UBI : SSN ()		Unified Business Identifier (or SSN #) UBI : SSN ()	
4 TYPE OF LEGAL ENTITY <input type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> MULTIPLE OWNER <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)		TYPE OF LEGAL ENTITY <input type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input checked="" type="checkbox"/> MULTIPLE OWNER <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)		TYPE OF LEGAL ENTITY <input type="checkbox"/> CORPORATION <input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> PARTNERSHIP <input type="checkbox"/> MULTIPLE OWNER <input type="checkbox"/> SOLE OWNER <input type="checkbox"/> OTHER (specify)	

FOR TAX REPORTING INFORMATION OR TAX NUMBERS CALL 1-800-548-8829

5 FOREST TAX REPORTING ACCOUNT No

800-037-406

6 ☐ YES ☒ NO - IS THE OPERATION WITHIN CITY LIMITS?

NAME OF CITY(S)

7 ☐ YES ☒ NO - IS THE OPERATION WITHIN A PUBLIC PARK? If yes, an Environmental Checklist is required

☐ YES ☒ NO - IS THE OPERATION WITHIN 500 FEET OF A PUBLIC PARK?

NAME OF PARK

8 a LEGAL SUB-DIVISION OF OPERATION(S)

8 b PARCEL OR LOT NUMBER

SUB-DIVISION (1/4, 1/4)	SECTION	TWP	RANGE (E)(W)
E 1/2 E 1/2 SW SE-LESS RD.	2	40	3 W

PARCEL OR TAX LOT NUMBER(S)
405302-418082

9 ☐ YES ☒ NO - WAS THE LAND PLATTED AFTER JANUARY 1, 1960 (INCLUDING SHORT PLATS)?

(You May Contact County Assessor for Verification) If Yes, Environmental Checklist is Required

10 ☐ YES ☒ NO - LANDOWNER INTENDS TO CLEAR, IMPROVE OR DEVELOP LAND WITHIN THREE YEARS?

NOTE 1 If yes, attach a completed Environmental Checklist

2 A local government clearing and/or grading permit may be required

3 See the instructions for more information relating to conversions

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION If the Forest Practices Application or Notification does not state that there is an intent to convert the forest land to non-forestry uses the county, city, town or regional governments may deny any permits or approvals for conversion to non-forestry land uses for a period of six (6) years from the date of the application or notification See the instructions under item # 10, and regulations, including but not limited to, RCW 76 09 060, RCW 76 09 170(7), WAC 222-20-010, WAC 222 20 040 and 222-20-050

11 ☐ YES ☒ NO - DO YOU HAVE AN APPROVED CONVERSION OPTION HARVEST PLAN (COHP)?

If yes, include a copy of the approved plan NOTE Not all Local Governments issue COHP's.

(For FPA Fee Information see the instructions)

Wh. Co
Slope 5%

II. WATER SECTION

All work within Type 1-3 Waters will require a Hydraulics Project Approval (HPA). Work within Type 4-5 Waters may require an HPA. Completion of this section will serve as your request for an HPA from the Department of Fish and Wildlife. If you are operating within 200 feet of a Type 1 or 1+ Water, contact the local government for shoreline management information.

- 12 ☐ YES ☒ NO - WILL THERE BE ANY ACTIVITIES THAT WILL BE WITHIN OR OVER THE ORDINARY HIGH WATER MARK OF ANY WATER? (If you will not be working in or above any typed water, go to Section III.)

If YES, check (✓) the activities you will be doing in each type of water. The location of all culverts and bridges must be shown on the base map. Culvert Base Map information must include culvert length, diameter, and type (round or half pipe). Bridge location information must show whether the bridge is temporary or permanent. (For Water Type information see WAC 222-16-030.)

☐ YES ☐ NO Are all waters shown on the Base Map? (If No, please show all unmarked water locations.)

Water Type	(A) Road Constr.	(B) Water Crossing	(C) Felling & Bucking	(D) Cable Yarding	(E) Suspending Cables Over Water	(F) Ground Skidding (Skidder or Tractor)	(G) Operate Other Equipment	(H) Apply Chemicals	(I) Other Activity (Show under question 30)
1									
2									
3									
4									
5									

- 13 ☐ YES ☒ NO - WILL THERE BE ANY ACTIVITIES WITHIN 200 FEET OF A TYPE 1 - 3 WATERS?

_____ FEET. If Yes, how close? (Measure all distances horizontally.)
Show the location of all Riparian Management Zones (RMZs) on the Base Map.
(See WAC Chapter 222-30.)

- 14 ☐ YES ☒ NO - WILL THERE BE ANY ACTIVITIES WITHIN 25 FEET OF TYPE 4-5 WATERS?

- 15 ☐ YES ☒ NO - ARE YOU AWARE OF ANY WATER INTAKES IN YOUR UNIT OR WITHIN 1/2 MILE DOWNSTREAM OF THIS OPERATION?

- 16 ☐ YES ☒ NO - WILL YOU BE REMOVING TREES WITHIN THE MAXIMUM WIDTH RIPARIAN MANAGEMENT ZONE? IF YES, AND THE TREES ARE PROVIDING SHADE TO THE STREAM, GIVE THE MIDPOINT ELEVATION AND EXISTING SHADE COVER OF ALL STREAM REACH(S) AND LABEL THE STREAM REACH(S) ON THE MAP. (For more details see WAC 222-30-040.)

STREAM REACH #1 _____ ELEV. _____ % COVER STREAM REACH #2 _____ ELEV. _____ % COVER
STREAM REACH #3 _____ ELEV. _____ % COVER STREAM REACH #4 _____ ELEV. _____ % COVER

III. WETLAND SECTION

- 17 ☐ YES ☒ NO - DO WETLANDS EXIST INSIDE OR WITHIN 200 FEET (horizontally) OF YOUR PROPOSED FOREST PRACTICES BOUNDARY? (If wetlands do not exist within or around this application go to Section IV.)

If YES, show the location and classification of all Wetlands on the Base Map, and check (✓) the appropriate squares in the following table describing your work within a Wetland or Wetland Management Zone. (For wetland typing information see WAC 222-16-035.)

Wetland Type	(A) Road Constr.	(B) Water Crossing	(C) Felling & Bucking	(D) Cable Yarding	(E) Suspending Cables Over Water	(F) Ground Skidding (Skidder or Tractor)	(G) Operate Other Equipment	(H) Apply Chemicals	(I) Other (Show under question 30)
A									
B									
Forested									

- 18 ☐ YES ☒ NO - WILL YOUR PROJECT BE FILLING OR DRAINING A WETLAND?

(_____ ACRES) If Yes, how many acres will you be filling or draining? (Enter acreage to the nearest 1/10 acre).
A mitigation plan and a SEPA checklist must accompany this application if you are filling or draining more than 1/2 acre of any wetland.

IV. ROAD SECTION

- 19 ☐ YES ☒ NO - IS THERE ANY ROAD WORK OR ROCK PIT DEVELOPMENT ASSOCIATED WITH THIS APPLICATION (If YES, complete all blocks that apply and LABEL EACH TYPE SEPARATELY ON MAP) (If you will not be doing any work involving roads go to Section V)

TYPE OF CONSTRUCTION	TOTAL LENGTH IN FEET	TOTAL LENGTH OF ENDHAUL/OVERHAUL (no sidecast) CONSTRUCTION Show All Locations On Map	STEEPEST SIDE SLOPE ROAD CROSSES (in percent)
<input type="checkbox"/> NEW PERMANENT ROAD			
<input type="checkbox"/> NEW TEMPORARY ROAD			
<input type="checkbox"/> EXISTING ROAD RECONSTRUCTION			
<input type="checkbox"/> EXISTING ROAD MAINTENANCE			
<input type="checkbox"/> ROAD ABANDONMENT			
<input type="checkbox"/> ROCK PIT DEVELOPMENT			

Indicate Pit Locations on Map Show timber harvest volumes and acreage in question 21

V. TIMBER HARVEST SECTION

- 20 ☐ YES ☐ NO - WILL YOU BE HARVESTING TIMBER AS A PART OF THIS PROPOSAL? (If YES, complete all blocks that apply and show on map) (If you will not be harvesting timber as a part of this proposal, go to Section VI)

UNIT #	TYPE OF HARVEST (Even-aged Uneven-aged Salvage and/or Right of Way) (For Harvest Type Information see "Even-aged Harvest" under WAC 222 18 010) Show the location of each harvest type on Map	TREES PER ACRE REMAINING AFTER HARVEST (Only count trees that meet the requirements under Even-aged harvest in WAC 222 18 010)	METHOD OF HARVEST (Ground Cable Highlead Skyline Shovel Rubber Tired Skidder Tracked Skidder Animal Helicopter or Balloon)	ACRES (per type of harvest)	PERCENT OF VOLUME TO BE CUT	ESTIMATED VOLUME TO BE HARVESTED (in MBF)
1	Even-aged	loss	Rubber-tired	9.85	15%	232 trees
		50	Chain Saw		75%	

total ownership

- * For even-aged harvests, provide surrounding stand information on the map as required under WAC 222-30-025 See instructions

- 21 ☒ YES ☐ NO - WILL YOU BE HARVESTING TIMBER OR LEAVING TREES WITHIN TWO TREE LENGTHS OF ANY OVERHEAD POWER LINES? (If yes, the applicant needs to notify the appropriate Power Company)

22. INDICATE HOW THE FOLLOWING WILDLIFE TREES WILL BE LEFT (Check all that apply)
* See WAC 222-30-020 (11) for Wildlife Reserve Tree, Green Recruitment Tree and Down Log leave requirements

WILDLIFE RESERVE TREES

- ☐ YES ☐ NO - CLUMPED (Show on Map)
☒ YES ☐ NO - EVENLY DISTRIBUTED (Throughout Unit)

GREEN RECRUITMENT TREES

- ☐ YES ☐ NO - CLUMPED (Show on Map)
☒ YES ☐ NO - EVENLY DISTRIBUTED (Throughout Unit)

- 23 ☐ YES ☒ NO - WILL YOU BE LEAVING A DOUBLE-WIDE RMZ(s) FOR GREEN-UP?
INDICATE DOUBLE-WIDE RMZ LOCATION(s) ON MAP

- 24 REFORESTATION METHOD Reforestation is required for lands harvested after January 1, 1975 as shown under WAC 222-34-010 (West of Cascades Summit), or WAC 222-34-020 (East of Cascades Summit)

☒ PLANTING

(Species DOUG FIR)

☒ NATURAL

(Applicant must submit a Reforestation Plan - See Instructions)

☐ REFORESTATION NOT REQUIRED under WAC 222-34-010, 222-34-020 or 222-34-050

VI. CHEMICAL APPLICATION SECTION

25 ☐ YES ☐ NO THIS FOREST PRACTICE INVOLVES THE APPLICATION OF PESTICIDES OR FERTILIZER?
(If YES, answer the questions below. If no, go to Section VII.)

☐ FERTILIZER APPLICATION ACRES () - For fertilizer applications answer question 28 and show application locations on the Base Map

☐ PESTICIDE TREATMENT - ACRES () - For pesticide applications answer questions 26, 27, and 28, and indicate areas to be treated on the Base Map. Describe in the "General Description Section", the purpose of the pesticide treatment(s) you are proposing.

26 LIST THE EPA REGISTRATION NUMBERS, TRADE NAMES, AND RATES OF APPLICATION FOR ALL CHEMICALS PROPOSED, INCLUDING ALL ADJUVANTS

EPA REG No	Trade Name of Chemical	Application Rate of Active Ingredient Per Acre	Unit of Measure

27 ☐ YES ☐ NO WILL THIS PESTICIDE BE USED UNDER A DEPARTMENT OF AGRICULTURE EXPERIMENTAL USE PERMIT? If yes, include a copy of the Experimental Use Permit.

28 CHEMICAL INFORMATION CONTACT PERSON PHONE # ()
(Additional information may be required for activities relating to the application of pesticides.)

VII. GENERAL DESCRIPTION SECTION

29 Provide any details that will give a better understanding of your project.

THE FOLLOWING IS PROVIDED FOR YOUR INFORMATION

RCW 76.09.220 (8) provides any aggrieved person the right to appeal the approval or disapproval of a forest practices application. RCW 43.21C.075 provides any aggrieved person the right to appeal rules arising under the State Environmental Policy Act. Appeals must be filed within 30 days of the approval or disapproval of the forest practices application. Appeals must be filed with the FOREST PRACTICES APPEALS BOARD, PO BOX 40903, 4224 6TH AVE SE BLDG #2, LACEY, WA 98504-0903. Appeals must be filed in writing on the form required in Title 223.08. Concurrently with filing of the Forest Practices Appeals Board, copies of the appeals must also be filed with the OFC OF THE SUPVSR, DEPT OF NTRL RES, 1111 WASHINGTON ST SE, 4th FL NTRL RES BLDG, PO BOX 47001, OLYMPIA, WA 98504-7001 and with the ATTY GEN, 905 PLUM ST SE BLDG 5, PO BOX 40100, OLYMPIA, WA 98504-0100.

Compliance with this application/ notification does not ensure compliance with the Endangered Species Act, or other federal, state, or local laws.

SIGNATURE BLOCKS

I declare under the penalty of perjury of the laws of the state of Washington that the information contained herein is true, and understand that this proposed Forest Practice is subject to the current rules and regulations of the forest practices act, as well as any applicable Federal, State or Local rules and regulations.

OPERATOR	LANDOWNER	TIMBER OWNER
Signature <i>Fred De Haan</i>	Signature <i>x Pauline DeHaan</i>	Signature <i>Fred De Haan</i>
Print <i>FRED DE HAAN</i>	Print <i>x PAULINE DEHAAN</i>	Print <i>FRED DE HAAN</i>
Date <i>6-14/94</i>	Date <i>6-13-94</i>	Date <i>6-14/94</i>

4 (Husband of Pauline
Brother-in-law of Victor)



FOREST PRACTICES APPLICATION/NOTIFICATION
PROCESS AND CONDITIONS

FPA Number

100918764

Date Received: 6-14-94	Reviewer Comments Due: 6/18/94	Final Due Date: 6/18/94	Shutdown Zone: 653-B	
NAME OF OPERATOR Victor E. Wersin Fried Pauline Dehman		NAME OF LANDOWNER Same	NAME OF TIMBER OWNER Same	
LEGAL Sub-Division of Operation(s)	Section(s)	TWP North	RGE E/W	CLASS OF APPLICATION
A.				<input checked="" type="checkbox"/> CLASS II
B.				<input type="checkbox"/> CLASS III
C.				<input type="checkbox"/> CLASS III
D.				<input type="checkbox"/> CLASS IV-6
E.				<input type="checkbox"/> CLASS IV-8

COUNTY(S) WHERE PROPOSED ACTIVITY WILL OCCUR:

☒ APPLICATION APPROVED

CONDITIONS TO THIS APPLICATION / NOTIFICATION

THIS OPERATION IS SUBJECT TO:

☐ Environmental Checklist ☐ Completed FPA Form Map☐ Hydraulic Project Approval☐ Shoreline Management Act☐ Additional Conditions Attached ☐ Other

APPROVAL CONDITIONS:

OPERATE GROUND BASED EQUIPMENT
DURING PERIODS OF STABLE SOIL
CONDITIONS. IF RUTTING OCCURS
DEEPER THAN 12", DISCONTINUE
OPERATIONS.

REFORESTATION IS REQUIRED IF 50% OR MORE
OF THE TOTAL TIMBER VOLUME IS REMOVED, OR
IF AN EVEN DISTRIBUTION OF THE RESIDUAL
TREES DOES NOT RESULT FROM THE PARTIAL
CUT (CLEARCUT PATCHES)

☐ PRE-FILE REVIEW COMPLETE ☐ APPLICATION INCOMPLETE ☒ APPLICATION COMPLETE
☐ APPLICATION ON HOLD ☐ APPLICATION DISAPPROVED

DEPARTMENT OF NATURAL RESOURCES SIGNATURE <i>[Signature]</i>	TITLE Administrative Assistant	DATE 6/16/94	INITIAL JD	
REGION NWRT	AGENCY COPIES SENT 6/16/94	FINAL COPIES SENT 6/16/94	EFFECTIVE DATE 6/16/94	EXPIRATION DATE 6/16/95

COPIES DISTRIBUTED TO: ☒ F FORESTER ☐ ECOLOGY ☒ ENGINEERS ☒ WED LIFE

AFFECTED INDIAN TRIBE: OTHER: NCA LOCAL GOVERNMENT: LCHC

AFFECTED INDIAN TRIBE: OTHER: Trillium LOCAL GOVERNMENT: PRRB Nelson

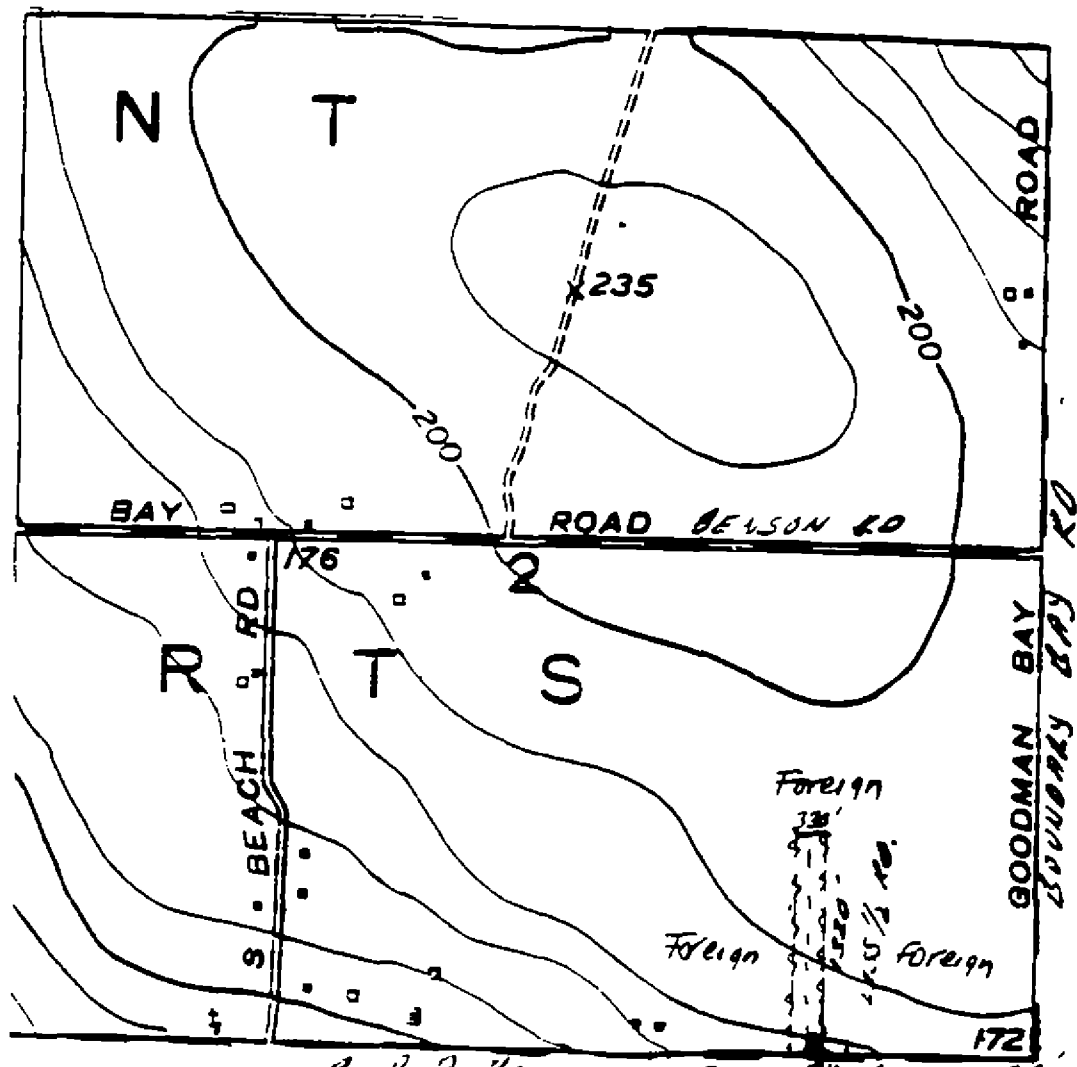
AFFECTED INDIAN TRIBE: OTHER: hongaime LOCAL GOVERNMENT: BH Com

JOANP

TOFOG MAP
OFFICIAL WATER TYPE MAP
Twp 40N

Sec 2

Rge 3W



LEGEND:

- Public Road
- Gravel-Gravel Road
- Proposed Forest Road
- Abandoned Forest Road or Overpass = P
- Main Timber Trailing Road or Overpass = P
- Forested Low-Tree Area (ULT) Type 4 Water
- Proposed Clearing (Water is disturbed or removed in ditches and bays in road)
- Traffic Status Types (Fire)
- (PWP) (gas) (water) (cable) (skid) (pc) (zc) Forest Possible Boundary (Also show type of logging or cutting, e.g., clearcut, etc. or other cut, etc.)
- 2MZ RMZ Forest Management Zone Type 1, 2, 3 Water
- Water Source for Chemical Mining
- (Fire) (Road) Water Source for Fire Control Other Purpose (When Marked 2 zone)

NATURAL REFORESTATION PLAN

Landowner name: RONALD DE HARN VICTOR SWERSON
 Landowner is responsible for meeting Forest Practices
 reforestation requirements.

Forest Practices Application Number: _____ (if known)

Legal Description: E 1/2 E 1/2 SW SE-LESS RD.

Harvest is scheduled to occur (month/year): SEPT. / 94

Landowner intends to meet reforestation requirements by either
 number 1 or 2 below. (Circle the appropriate number)

1. Leaving adequate stocking of vigorous, undamaged, well-
 distributed trees to fully utilize timber growing capacity of
 the soils. or,
2. Providing a seed source of well-formed trees of commercial
 species, and site conditions allows reseeding by these
 trees. (Show location on map).

Composition of preharvest timber stand:

Species	% of the merchantable trees
1 DOUG. FIR.	10 %
2 CEDAR.	30 %
3 WHITE FIR.	40 %
4 ALDER.	20 %

Reseeding species: W Fir

Composition of tree species to be reseeded shall be the same as
 that harvested except as approved by DNR. Landowner is
 responsible to control competing vegetation to allow
 establishment, survival and growth of the intended species.

Brush control method: Rot Naturally
 Anticipated time of application: _____

Composition of postharvest timber stand (Leave tree specification)

Species	Age	Average Diameter	Average Spacing
1 D Fir	34 years	6 1/2 ft	10 ft
2 Cedar	↓	↓	↓
3 W Fir	↓	↓	↓
alder	↓	↓	↓

% of area having exposed mineral soil following harvest: 0 %

Handing only

EXHIBIT

2

Attached is the Forest Management Plan for the Iwerson/DeHaan Property on Point Roberts.

This plan has been created to meet the requirements of WAC 222-16-060 (5)(c) for reclassification of Forest Practices Application # 1918764 from a Class IV General to a Class II.

The undersigned agree that this plan can be used to condition forest practice activities on this parcel.

<u>Victor Iwerson</u>	<u>10-24-94</u>	<u>Pauline E. DeHaan</u>	<u>10-24-94</u>
Victor Iwerson	Date	Pauline E. DeHaan	Date
Landowner		Landowner	

The Department of Natural Resources has reviewed the Forest Management Plan for the Iwerson/DeHaan property and has found it acceptable.

<u>Thomas A. Smith</u>	<u>10/31/94</u>
Thomas A. Smith	Date
Forest Practice Forester	

FOREST MANAGEMENT PLAN
^E
IWERSØN/DEHAAN PROPERTY

E1/2, E1/2, SW, SE, Sec. 2, TWP40N, R3W. WM

Point Roberts, WA

^E
Victor Iwersøn
Pauline E. DeHaan
P.O.Box 165
Point Roberts, WA 98281
(206) 945-2578

SITE DESCRIPTION

Overview:

This forested ten acre parcel near the southeast corner of Point Roberts is located northwest of the intersection of the APA Road and Paul's Road. Access currently exists from the APA Road. Adjacent parcels to the east and north are currently undeveloped and forested. Across the APA Road to the south, the adjacent parcel has been previously cleared and/or cultivated but is currently undeveloped. The adjacent land to the west is currently under some development; two homes have been built and the area logged within the last five years.

Two Homes

Terrain:

The site, approximately 180 feet above sea level, is relatively flat with a slight slope to the south.

Whatcom County Soil Maps include this parcel in the Everett Complex. This complex includes 50 percent Everett very gravelly sandy loam, 35 percent Everett gravelly sandy loam, and small areas of Birchbay, Clipper, LaBounty, and Squalicum soils.

This soil complex and inclusions all have similar restrictions recommended for wet weather operations involving ground based equipment. The concerns include compaction, rutting and muddiness due to slow permeability rates.

Vegetation:

The existing forest overstory vegetation is a mixture of hardwood and conifer trees that includes Douglas-fir, grand fir, red cedar, western hemlock, big-leaf maple, red alder, birch, and cherry. Species, stocking level, and distribution have all been heavily influenced by past natural disturbances and previous land use. The average stocking level is 80 trees per acre with only about 50 trees per acre currently of merchantable size. 70 percent of the merchantable size trees are conifers, the remaining 30 percent are hardwoods primarily alder (15 inch avg dia.) and birch (19 inch avg dia.). Red cedar (23 inch avg dia.) is the dominant species, followed by grand fir (18 inch avg dia.) and Douglas fir (25 inch avg dia.). Generally, there is a finger of conifer which is widest at the south portion of the property, narrowing and continuing to the north and east.

Several age classes of trees have been created by past disturbances to the site. 30 year old trees, predominantly alder have resulted from the 1962 Columbus day storm damage. 40 year old trees, again, predominantly alder, were seeded in along the east side of the parcel after the adjacent parcel (and a small portion of this parcel) was selectively logged in 1953. 70 year old Douglas fir, grand fir and red cedar were most likely seeded in following a windstorm in the 1920's. Some remnant trees that survived the 1920's storm may be over 100 years old. At one time, the site had numerous cedars over six feet in diameter. Remaining snags indicate that they were in declining health prior to a wild fire that burned across the site, probably in the late 1800's.

Vegetation: (cont.)

The forest structure is a multi-storied canopy with little advanced regeneration. The upper canopy layer is from pockets of unevenly distributed large conifers. A lower layer which surrounds the conifers consists of the hardwoods while the lowest layer consists of suppressed trees and/or vine maple. Mortality has been associated with natural self thinning, maturity, fire, and wind damage. Some of the older hardwoods have been exposed to decay organisms introduced through branch wounds. This has led to mortality, dead portions of the trunks, or wind breakage. Some of the trees have damage or defect as a result of previous winds.

Understory vegetation includes vine maple, red elderberry, Indian plum and salmonberry as the primary low tree and shrub species. Vine maple is the most widespread understory species, typically 20 to 30 feet tall. Salmonberry appears to be located mostly along the west and northwest portions of this parcel in conjunction with alder stands. Other understory plants include sword fern, lady fern, trailing blackberry, and false lily-of-the-valley. The characteristics of the understory vegetation are dependant upon the species and density of the overstory.

Regeneration is currently limited to areas along the west property line where recent adjacent property development has allowed more light into the forest floor and some soil disturbance has created an adequate seed bed. Smaller conifer are present but in most cases are older, suppressed trees.

There are no obvious forest disease areas on this parcel. The most common form of defect is multiple tops as a result of tree tip mortality. Multiple tops generally create a weak spot in the trunk and are susceptible to wind damage.

Snags are primarily created from hardwood trees that have reached maturity. A second type of snag present is old cedar snags. These broken snags contain fire char from fire(s) long ago. One noteworthy snag is a tall cedar in the northern third of the parcel; it towers above the canopy and may be used by raptors and other birds for perching on its three remaining limbs. Its height may be a safety concern during activities on this site.

Down material is primarily limited to old cedar logs and broken tree tops. Historically, most of the down trees have been removed for firewood.

A small, forested wetland, (100 ft. by 20 ft.) in the northern third of the parcel has evidence of seasonally ponded water and is sparsely vegetated with skunk cabbage, water parsley, and sedge plants. It is not associated with any streams.

Wildlife:

A detailed wildlife inventory of the site has not been made. Wildlife use of this site may be typical of local wildlife. Department of Wildlife does not have record of any use of this site for nesting or roosting by any Threatened/Endangered Species. Department of Wildlife review has indicated activities on this site will not significantly impact any Threatened/Endangered Species. No raptor or heron nests are known to be on site. Trees with multiple tops may provide opportunities for nesting platforms or hiding.

Land Management

Land use:

This parcel has been in single ownership for over ^{100 years} 50 years and has been primarily used as a firewood lot by the landowner. In 1953 a timber trespass occurred along the east property line. The 1962 Columbus Day storm caused extensive wind throw and salvage work was done to clean up the site. Since then occasional firewood cutting has been done to remove dead and down material.

Land Use Objectives:

The landowner intends to continue ownership of this parcel and keep it in a forested condition. Its future use is anticipated to remain as a firewood lot. Timber harvesting, whether for firewood or commercial sale, is a historical land use for this parcel and the landowner wishes to keep that option available to generate funds as needed in the future. The landowner has signed a statement of intent to maintain this parcel in forestry use for the next ten years.

Harvest Plan:

A selective cut harvest is planned for this site and will focus on the removal of larger diameter timber. A 50 foot buffer will be left along the south and west property lines to reduce visual impacts of the harvest from adjacent developed lands and the county road. Logging equipment will be restricted from this area and vegetation will be undisturbed except for the removal of trees that may threaten powerlines and roads.

In heavily stocked areas, the harvest will open the stand to approximately 20 foot spacings between trees. In areas where the existing stocking level is low, harvest may occur but the site will be planted to replace the trees.

Harvest Plan: (cont.)

Access to the site will be from ^PADA Road near the southwest corner of the parcel. A short spur road, approximately 150 feet long, will angle toward the northeast and end at a log loading site.

Logging equipment will be ground based; either a small dozer and/or logging shovel. The benefit of these machines is that they have low ground pressure and will reduce compaction. Soil disturbed during skidding operations will not produce a significant erosion hazard and will provide receptive seed beds or planting sites. If skidding is done during the dry season, a Rubber-tired skidder may be used on main skid roads only. Trees selected for harvest will be felled and yarded away from the wet area.

Harvest volume may yield approximately 150,000 board feet and will remove approximately 55 percent of the trees and approximately 70 percent of the volume on the site.

Regeneration:

Where residual tree spacing exceeds 20 feet, seedlings will be planted to restock the site leaving a maximum allowable 15 foot distance between trees. Seedling species may be Douglas-fir, red cedar, grand fir, or any combination of the three. It is expected that birch and alder will naturally seed in and maple will resprout from stumps.

Brush competition from salmonberry and vine maple is expected to be high to severe. In areas of dense salmonberry, planting red cedar will reduce the brush control need. Vine maple clumps should be cut or pulled from the ground rather than knocked over to reduce competition from layering.

Brush control:

The landowner is opposed to the use of chemicals to control brush and will use mechanical methods to control competing vegetation.

Tentative Management Calendar

- 1994- Selective harvest
- 1995- Plant seedlings in Spring
- 1996- Interplant if necessary in Spring
- 1997- Hand slash competing brush
 - Certification of reforestation
- 2000- Selective harvest
- 2001- Plant seedlings in Spring
- 2002- Interplant if necessary in Spring
- 2003- Hand slash competing brush
 - Certification of reforestation

IWERTSON / DEHAAN
PROPERTY
E 1/2 E 1/2 SW SE S 2, T 40 R 3W

HOUSE
SITE

HOUSE
SITE

LAND
CUTOVER
W/IN PAST
5 YEARS

WOODED

CONIFER

ST AREA

WOODED

50 FT BUFFER

HARDWOOD

CONIFER

HARDWOOD

HOUSE
SITE

PRIVATE ROAD

WOODED
LOGGING CAMP

SOFT BUFFER

HARDWOOD

APA ROAD

HOUSE
SITE

HOUSE
SITE BRUSH

PASTURE

WOODED

PAULS
ROAD

WOODED

MAP NOT TO SCALE
10-94

State of Washington
DEPARTMENT OF NATURAL RESOURCES

Statement of Intent Not to Convert

[Forest Practices Act WAC 222-16-060(5)(a)]

I (we), VIC INVERSEN & PAULINE DEHAAN hereby affirm that
(forest landowner)

I (we) do not intend to convert the forest land described below to an active use incompatible with timber production for 10 (ten) years after completion of the forest practices to be conducted pursuant to Application/Notification # FPA 1918764. I am aware of the provisions of RCW 76.09.060(3)(b). I understand that the reforestation requirements of WAC 222-34 shall apply to this forest land.

Forest Land [Please provide full legal description]

E 1/2 E 1/2 SW SE-LESS RD. SECTION 2 TWP 40 RANGE 3W
PARCEL OR TAX LOT # 405302-418082.

NOTE

1. In accordance with WAC 222-16-060 (5), the land covered by the application or notification must be enrolled under the provisions of chapter 84.28 (Reforestation lands), 84.33 (Timber and Forest lands), or 84.34 (Open Space or Timber land) RCW;

OR

2. a written forest management plan reviewed and accepted by the department must accompany this application or notification (or be on file in the Regional office).

I understand that this statement, when accompanied by a written forest management plan or evidence of enrollment as stated in 1. above, and a complete Forest Practices application or notification, shall constitute a request, pursuant to WAC 222-16-060(5), to reconsider identification of the described parcel as "forest land with a likelihood of future conversion".

Forest Landowner(s) [Please print name(s), provide signature(s), and date(s) signed]

VICTOR INVERSEN Victor Inversen Aug-17/94
[Print name] [Signature] [Date signed]

PAULINE DEHAAN Pauline DeHaan 8-17-94
[Print name] [Signature] [Date signed]

Send this form with a management plan or evidence of enrollment and a completed Forest Practices application or notification to the Department of Natural Resources regional office (list attached). Call toll-free 1-800-527-3305 to determine which region office has jurisdiction for your property.

NATURAL REFORESTATION PLAN

Landowner name: W. JENSEN & PAULINE DE HAAN
 Landowner is responsible for meeting Forest Practices
 reforestation requirements.

Forest Practices Application Number: FPA No 1918764 (if known)

Legal Description: E 1/2 E 1/2 SW SE - LESS RD SECTION 2 TWP 40 RANG 34

Harvest is scheduled to occur (month/year): SEPT / 94.

Landowner intends to meet reforestation requirements by either
 number 1 or 2 below. (Circle the appropriate number)

1. Leaving adequate stocking of vigorous, undamaged, well-
 distributed trees to fully utilize timber growing capacity of
 the soils. or, EXCEPT FOR ROADWAY
& STAGING LANDING.
2. Providing a seed source of well-formed trees of commercial
 species, and site conditions allows reseeding by these
 trees. (Show location on map).

Composition of preharvest timber stand:

	<u>Species</u>	<u>% of the merchantable trees</u>
1		
2		
3		
4		

Reseeding species: _____

Composition of tree species to be reseeded shall be the same as
 that harvested except as approved by DNR. Landowner is
 responsible to control competing vegetation to allow
 establishment, survival and growth of the intended species.

Brush control method: _____

Anticipated time of application: _____

Composition of postharvest timber stand (Leave tree specification)

	<u>Species</u>	<u>Age</u>	<u>Average Diameter</u>	<u>Average Spacing</u>
1	<u>ALDER</u>		<u>10" AT 4 FT.</u>	<u>25 FT.</u>
2	<u>WHITE FIR</u>			
3	<u>DOUG FIR.</u>			

% of area having exposed mineral soil following harvest: _____%

LEAVE STUMPS & BRANCHES

State of Washington
DEPARTMENT OF NATURAL RESOURCES

Statement of Intent Not to Convert

[Forest Practices Act WAC 222-16-060(5) (a)]

I (we), VIC IVERSEN & PAULINE DEHAAN hereby affirm that
(forest landowner)

I (we) do not intend to convert the forest land described below to an active use incompatible with timber production for 10 (ten) years after completion of the forest practices to be conducted pursuant to Application/Notification # EPA 101918764. I am aware of the provisions of RCW 76.09.060(3)(b). I understand that the reforestation requirements of WAC 222-34 shall apply to this forest land.

Forest Land [Please provide full legal description]

E 1/2 E 1/2 SW SE - LESS RD. SECTION 2 TWP 40 RANGE 3W
PARCEL OR TAX LOT # 405302-418082.

NOTE

1. In accordance with WAC 222-16-060 (5), the land covered by the application or notification must be enrolled under the provisions of chapter 84.28 (Reforestation lands), 84.33 (Timber and Forest lands), or 84.34 (Open Space or Timber land) RCW;

OR

2. a written forest management plan reviewed and accepted by the department must accompany this application or notification (or be on file in the Regional office).

I understand that this statement, when accompanied by a written forest management plan or evidence of enrollment as stated in 1. above, and a complete Forest Practices application or notification, shall constitute a request, pursuant to WAC 222-16-060(5), to reconsider identification of the described parcel as "forest land with a likelihood of future conversion".

Forest Landowner(s) [Please print name(s), provide signature(s), and date(s) signed]

VICTOR IVERSEN VICTOR IVERSEN Aug-17/94
[Print name] [Signature] [Date signed]

PAULINE DEHAAN Pauline Dehaan 8-17-94
[Print name] [Signature] [Date signed]

Send this form with a management plan or evidence of enrollment and a completed Forest Practices application or notification to the Department of Natural Resources regional office (list attached). Call toll-free 1-800-527-3305 to determine which region office has jurisdiction for your property.

NATURAL REFORESTATION PLAN

Landowner name: WILSON & PAULINE DE HAAN
Landowner is responsible for meeting Forest Practices reforestation requirements.

Forest Practices Application Number: ERA No 1918764 (if known)

Legal Description: E 1/2 E 1/2 SW SE - LESS RD SECTION 2 TWP 40 RANGE 3W

Harvest is scheduled to occur (month/year): SEPT 1994

Landowner intends to meet reforestation requirements by either number 1 or 2 below. (Circle the appropriate number)

1. Leaving adequate stocking of vigorous, undamaged, well-distributed trees to fully utilize timber growing capacity of the soils. or, EXCEPT FOR ROADWAY & STAGING LANDING.
2. Providing a seed source of well-formed trees of commercial species, and site conditions allows reseeding by these trees. (Show location on map).

Composition of preharvest timber stand:

	<u>Species</u>	<u>% of the merchantable trees</u>
1		
2		
3		
4		

Reseeding species: _____

Composition of tree species to be reseeded shall be the same as that harvested except as approved by DNR. Landowner is responsible to control competing vegetation to allow establishment, survival and growth of the intended species.

Brush control method: _____

Anticipated time of application: _____

Composition of postharvest timber stand (Leave tree specification)

	<u>Species</u>	<u>Age</u>	<u>Average Diameter</u>	<u>Average Spacing</u>
1	<u>ALDER</u>		<u>10" AT 4 FT.</u>	<u>25 FT.</u>
2	<u>WHITE FIR</u>			
3	<u>DOUG FIR</u>			

% of area having exposed mineral soil following harvest: _____%

LEAVE STUMPS & BRANCHES

file: natural.jlb